



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

BCC/143174

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 14, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on September 18, 2012, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly discontinued Petitioner's BadgerCare+ Core benefits for failing to verify information.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Mary Hartung  
Milwaukee Enrollment Services  
1220 W Vliet St  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was a recipient of BadgerCare+ Core benefits.
3. Petitioner contacted the agency on June 14, 2012 to report that his employment was ending and to request FoodShare benefits.

4. Petitioner was sent a written request for verification dated June 15, 2012 that informed Petitioner that his employment and income had to be verified with pay stubs from the last 30 days or verification of earnings from the employer. The due date for that verification was June 25th, 2012.
5. The agency never received the requested verification so d discontinued Petitioner's BadgerCare+ Core effective September 1, 2012. He was sent a notice dated July 27, 2012 that informed of the discontinuance.
6. Petitioner obtained new employment at some point in July 2012. That was reported to the agency but no request for verification of that information was requested as the case was closing for failing to provide the information requested earlier.

### **DISCUSSION**

I am reversing the agency action here. Petitioner was not obligated to report the end of employment. The required change reports are as follows:

#### **43.8.1 Change Reporting Requirements**

There are changes that result in the termination of enrollment in the Core Plan. If these items are not reported within ten calendar days, the member is liable for payments that are made on his/her behalf for any months during which s/he was ineligible.

Members must report within ten calendar days if s/he:

1. Moves out of the state of Wisconsin;
2. Becomes institutionalized or incarcerated;
3. Has a child under 19 under his/her care who moves into the home for more than 40% of the time;
4. Becomes pregnant; or
5. Attains health insurance coverage.

In addition, members are strongly encouraged to report any change in address. While address changes within the state of Wisconsin do not impact eligibility, a current address is important to facilitate member communication and access to care.

*BadgerCare+ Eligibility Handbook (BEH), §43.8.1.*

Further, income changes can now cause a change in a BadgerCare+ Core premium but those reporting requirements are as follows:

#### **43.8.1.1 Income Changes**

Changes in income that occur after enrollment do not impact Core Plan eligibility but may cause a change in the premium status of the case or the amount of a current premium.

Core Plan members who are not exempt from premiums must report income changes when the total monthly gross income for the household exceeds the following percentages of the Federal Poverty Level (FPL) for their group size.

- 133% FPL
- 150% FPL
- 185% FPL
- 200% FPL
- 250% FPL
- 300% FPL
- 350% FPL

...

*BEH, §43.8.1.1.*

I also note that 100% of the FPL for one person is \$930.83 thus 133% is \$1238 (930.83 x 1.33) and 150% is \$1396.25 (930.83 x 1.5). Petitioner did report new employment but was earning only slightly over \$100 per week.

### **CONCLUSIONS OF LAW**

That Petitioner's BadgerCare+ Core benefits were incorrectly discontinued for failing to verify information.

**THEREFORE, it is**

### **ORDERED**

That this case is remanded to the agency with instructions to restore Petitioner's BadgerCare+ Core. This must be done within 10 days of the date of this decision.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

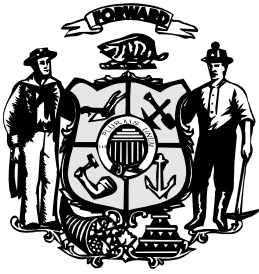
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 1st day of November, 2012

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David D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on November 1, 2012.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability